

41319-904926

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of : McCormack, Tony
Serial No. : 09/878,874
Filed : June 11, 2001
For : Establishing Telephone Calls at Specified Times
Examiner : Patel, Haresh N
Art Unit : 2154
Customer number : 23644
Confirmation No. : 2638

REPLY BRIEF

Honorable Director of Patents and Trademarks
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir,

The following remarks are submitted in response to the Examiner's Answer issued August 17 2010, and particularly the Response to Argument beginning on page 20 of the Examiner's Answer.

It is not in dispute that the present application discusses in general the establishment of a telephone conference and we note the numerous mentions of conferencing kindly brought to the Applicant's attention by the examiner. The point remains that the claims are now directed to a

specific embodiment described in the specification which is not limited to and is not primarily concerned with telephone conferencing. By citing references relating to telephone conferencing the examiner seems to have been distracted from the point that the claimed subject matter is concerned with the selection of one of a plurality of call destinations from a plurality of destinations according to a time comparison. Conventional telephone conferencing systems are concerned with enabling multiple users to communicate with each other and therefore select multiple destinations for the establishment of a conference. A conferencing system may be provided with times and call destinations but will not select one of a number of possible destinations for a participant according to the time of day. This is true of all of the documents cited against the present application.

Drozdewicz

The specific references to Figure 1 and related passages of the cited Drozdewicz reference are duly noted. However it is still not clear to the applicant how the examiner is interpreting Drozdewicz to conclude that the independent claims are anticipated by Drozdewicz. In particular the Applicant has not found each and every feature of claim 1 in the disclosure of Drozdewicz.

Drozdewicz discloses a method of establishing a telephone conference using a web based application hosted by a web server as shown in figure 1.

Claim 1 includes the step of receiving at the web server a URI comprising information about a plurality of call destinations and time ranges associated with said plurality of call destinations.

In Drozdewicz only one URI is discussed, namely the URL 102 (a particular kind of URI) distributed by the web server 110 to the subscriber and from the subscriber to the participants. The web server 110 does not receive a URI as required by claim 1. No other web server is discussed in Drozdewicz that might receive a URI.

In an attempt to understand the Examiner's interpretation of the claims the Applicant has considered whether any of the subscriber or participant apparatus could be considered to be a

web server. In this connection it is noteworthy that the subscriber and participant apparatus receive the URL. However it is submitted that it is not reasonable to consider subscriber or participant apparatus shown in Drozdewicz to be equivalent to a web server.

Claim 1 requires the URI to comprise information about a plurality of call destinations and time ranges associated with said plurality of call destinations. The URL discussed in Drozdewicz does not satisfy this definition. The URL of Drozdewicz is discussed in paragraph [0029] as follows:

[0029] The URL **102** created is a unique hyperlink for each subscriber **100** on the conferencing system **120**. The URL **102** is mapped within the conferencing system **120** (or external devices connected to the conferencing system **120**) to identify the subscriber **100** just as that subscriber's conventional unique access codes do.

Multiple URLs can be stored in a database as indicated in figure 4 and described in paragraph [0032]. Here there is a one-to one correspondence between URL and subscriber. It should be noted also that according to paragraph [0033], the URL link 102 identifies the subscriber, not the conference.

In summary the Applicant has not found any suggestion in Drozdewicz that the URL 102 should comprise information about a plurality of call destinations and time ranges associated with said plurality of call destinations.

Applicant agrees with the point made on page 28 of the Answer that claims are to be given their broadest reasonable interpretation during prosecution. However it is not clear what "reasonable interpretation" would result in the claims of the present application encompassing the disclosure of Drozdewicz.

The subsequent discussion of Drozdewicz by the examiner contains a number of misunderstandings of the manner of operation of the system of Drozdewicz. For example on page 34 of the Examiner's Answer it is stated

destinations according to the time comparison; the Appellant conveniently, totally, ignored the usage of the web server 110 of figure 1, the conferencing system 120, the telecommunication system of Drozdewicz that implements these limitations, and the URLs along with information including the time ranges for the comparison, please see figure 4, paragraph 49, etc that perform the comparing of the current time with the time ranges to select one of the plurality of call destinations for the establishing of the telephone call between the call source and one of the plurality of call destinations among telephones/cellular phones, desktop phone of the users

It should be noted that according to the method of claim 1, the web-based telephony application compares the current time with associated time ranges to select an appropriate one of the plurality of call destinations. According to paragraph [0049] of Drozdewicz to which the examiner specifically refers, the subscribers click the URL when they want the system to call them. Therefore there is no need for the server 110 to select an appropriate one of a plurality of call destinations according to a time comparison. This determination is made by the subscribers. It is true that the web server receives call destination information and then establishes a call. However, the web server does not make a selection of which call destination to use according to the time of day.

Jonsson

In the Examiner's Answer Jonsson is discussed in the text beginning at page 35. The Examiner points out repeatedly that Jonsson is not limited in the manner discussed by the Applicant but no discussion is provided as to how Jonsson should be interpreted more broadly. As with Drozdewicz, Jonsson does not disclose a number of the limitations of claim 1 and in particular a URI comprising information about a plurality of call destinations and time ranges associated with said plurality of call destinations.

Doganata

In the Examiner's Answer Doganata is discussed in the text beginning at page 41. Doganata also does not disclose a number of the limitations of claim 1 including the use of a URI comprising information about a plurality of call destinations and time ranges associated with said plurality of call destinations.

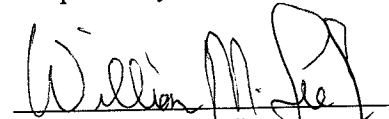
Summers and Linden

In connection with Summers and Linden (and indeed the other references discussed above) the Examiner has copied a large portion of the text of the present application, text from previous remarks submitted and illustrations from the cited references without any explanation directed to the specific language of the claims. Applicant has made a serious effort to understand the point of view of the Examiner and has considered what broad interpretation might be given to the claims in order for the Examiner to conclude that they are anticipated or obvious but has not been able to understand the Examiner's point of view.

The applicant thus respectfully submits that the Examiner's rejections are in error and should be reversed.

Date: October 18, 2010

Respectfully submitted,


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